

REMARKS / DISCUSSION OF ISSUES

Claims 1-17 are pending in the application.

The applicant thanks the Examiner for acknowledging the claim for priority and receipt of certified copies of all the priority document(s) and for determining that the drawings are acceptable.

Claims are amended for non-statutory reasons: to correct one or more informalities, remove figure label number(s), and/or to replace European-style claim phraseology with American-style claim language. No new matter is added.

The Office action rejects claims 1-16 under 35 U.S.C. 112, second paragraph. Claims 1-16 are correspondingly amended herein.

The Office action rejects claims 1-2, 4-6, 10-14, and 17 under 35 U.S.C. 102(e) over Ellis et al. (USPA 2003/0204847, hereinafter Ellis). The applicant respectfully traverses this rejection.

Ellis fails to teach storing current program information of a new channel on a storage device after a change of channel and removing the program information from the storage device if a new change of channel occurs within a first time period, as specifically claimed in claim 1, upon which claims 2-9 depend. Independent claims 10 and 17 include similar features.

The Office action asserts that Ellis teaches hiding and/or removing the program information if a new change of channel occurs within a first time period at paragraph [0121]. The applicant respectfully disagrees with this assertion.

At the cited paragraph, Ellis teaches:

"In general, if the user does not issue a change-channel instruction, or other command, from the remote controller 40 within a predetermined time interval while in the FLIP mode, the microcontroller 16 instructs the VDG 23 to remove the graphic overlay 51 from the television receiver, thus presenting only a program signal 55 to the television receiver 27 for viewing." (Ellis, [0121].)

As can be seen, Ellis teaches removing the program information if the user does not change the channel within a given time period, whereas the applicant claims removing the program information if the user does change the channel within a given time period.

Because Ellis provides a contrary teaching to the claimed elements of the applicant's independent claims, the applicant respectfully maintains that the rejection of claims 1-2, 4-6, 10-14, and 17 under 35 U.S.C. 102(e) over Ellis is unfounded, and should be withdrawn.

The Office action rejects:

claim 3 under 35 U.S.C. 103(a) over Ellis and Kondo et al. (USP 6,763,522, hereinafter Kondo); and

claims 7-9 and 15-16 under 35 U.S.C. 103(a) over Ellis and Balkus et al. (USPA 2004/0268224). The applicant respectfully traverses these rejections.

Each of the rejected claims is dependent upon independent claim 1 or 10. In this rejection, the Examiner relies on Ellis for teaching the elements of claims 1 and 10. As noted above, Ellis fails to teach the elements of claims 1 and 10. Accordingly, the applicant respectfully maintains that the rejections of claims 3, 7-9, and 15-16 under 35 U.S.C. 103(a) that rely on Ellis for teaching the elements of claims 1 and 10 are unfounded, and should be withdrawn.

In view of the foregoing, the applicant respectfully requests that the Examiner withdraw the objection(s) and/or rejection(s) of record, allow all the pending claims, and find the application in condition for allowance. If any points remain in issue that may best be resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,

/Robert M. McDermott/  
Robert M. McDermott, Esq.  
Reg. 41,508  
804-493-0707

**Please direct all correspondence to:**  
Corporate Counsel  
U.S. PHILIPS CORPORATION  
P.O. Box 3001  
Briarcliff Manor, NY 10510-8001